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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 MARK WYATT, et al. ) Case No.: 07cv1754 BTM (JMA)  
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12 Plaintiffs, ) **ORDER RE DEFENDANTS'**  
13 v. ) **MOTIONS FOR ENTRY OF**  
14 ) **JUDGMENT**  
15 B.P. AMERICA CORP., et al. )  
16 Defendants. )

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17 Defendants 7-Eleven, Inc. and Circle K Stores, Inc. have moved for entry of  
18 judgment against Plaintiffs. (Doc. 32). Defendant Chevron USA, Inc. argues that  
19 good cause exists for entry of judgment against Plaintiffs, but asks the Court to  
20 withhold entry of judgment pending further notice regarding the parties' settlement  
21 efforts. (Doc. 33). Plaintiffs do not oppose the motions. (Doc. 34, 35).  
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24 **BACKGROUND**

25 Plaintiffs sued multiple California motor fuel retailers and refiners for allegedly  
26 selling fuel without disclosing or adjusting for temperature, without disclosing that  
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1 temperature affects the energy content of the fuel, and overcharging plaintiffs for fuel  
2 excise taxes. Plaintiffs claimed Defendants' conduct violated California's Unfair  
3 Competition Law (UCL), Consumers Legal Remedy Act (CLRA), breached the  
4 implied covenant of good faith and fair dealing, and constituted unjust enrichment. In  
5 October 2007, the case was transferred, along with a number of other related actions  
6 from other states, to the United States District Court for the District of Kansas ("the  
7 MDL Court") for coordinated pre-trial proceedings. (Case No. 07-MD-1840, Doc.  
8 No. 192).

11 On July 19, 2013, the MDL Court granted Chevron USA's motion for  
12 summary judgment against Plaintiffs. (Case No. 07-MD-1840, Doc. No. 4600). The  
13 MDL Court later extended the grant of summary judgment to the remaining non-  
14 settling defendants in the California cases, including those in this case: 7-Eleven and  
15 Circle K. (Case No. 07-MD-1840, Doc. No. 4601, 4616). The MDL court  
16 recommended remand to this Court and entry of judgment in favor of the Defendants.  
17 (Case No. 07-MD-1840, Doc. No. 4617).

### 21 ANALYSIS

22 Fed. R. Civ. P. 54(b) provides that "[w]hen an action presents more than one  
23 claim for relief . . . or when multiple parties are involved, the court may direct entry  
24 of a final judgment as to one or more, but fewer than all, claims or parties only if the  
25 court expressly determines that there is no just reason for delay."  
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1 The Ninth Circuit expanded on how this rule is applied in Wood v. GCC Bend,  
2 LLC, 422 F.3d 873 (9th Cir. 2005).

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4 A district court must first determine that it has rendered a  
5 final judgment, that is, a judgment that is an ultimate  
6 disposition of an individual claim entered in the course of  
7 a multiple claims action. Then it must determine whether  
8 there is any just reason for delay. It is left to the sound  
9 judicial discretion of the district court to determine the  
appropriate time when each final decision in a multiple  
claims action is ready for appeal. This discretion is to be  
exercised in the interest of sound judicial administration.

10 Id. at 878 (internal quotation marks and citations omitted).

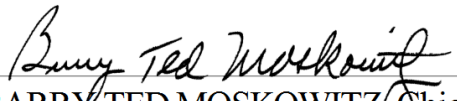
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12 In this case, the parties agree that the MDL Court rendered final judgment  
13 against Plaintiffs regarding their California claims. Defendants 7-Eleven and Circle K  
14 Stores and Plaintiffs have suggested no grounds for delay. Accordingly, this Court  
15 GRANTS Defendants 7-Eleven and Circle K Stores' motion for entry of judgment.  
16 (Doc. 32).

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18 Defendant Chevron USA and Plaintiff agree that good cause exists for an entry  
19 of judgment in Defendant's favor, but nonetheless ask the Court to stay judgment  
20 pending further notice regarding settlement efforts. Chevron USA explains that their  
21 settlement discussions contemplate entry of judgment in this case occurring after the  
22 MDL Court grants settlement final approval, which is anticipated to occur in the  
23 spring of 2014. The parties have established just reason for delay. Accordingly, the  
24 Court GRANTS Chevron USA's motion (Doc. 33) but will stay entry of judgment  
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1 pending further notice regarding the parties' settlement efforts. A status conference  
2 will be held on May 13, 2014 at 10:00 a.m. if such notice has not yet been filed.  
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5 IT IS SO ORDERED.

6 Dated: January 16, 2014

  
BARRY TED MOSKOWITZ, Chief Judge  
United States District Court